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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,740	07/08/2003	John Frank Kralic	201144.00001	6209
21324	7590	10/24/2006	EXAMINER	
HAHN LOESER & PARKS, LLP One GOJO Plaza Suite 300 AKRON, OH 44311-1076			WUJCIAK, ALFRÉD J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,740

Applicant(s)

KRALIC, JOHN FRANK

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the final Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 31, 34, 36, 38-50, 53 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,142,434 to Trost et al. and in view of Japan Patent # 411210271 A to Sagawa et al. et al.

Trost et al. teaches a cross arm (22) for a utility pole (12) having a fastening system. The fastening system includes clamping means (10). The clamping means is being secured to pole operative to extend about the cross arm. The clamping means includes a saddle/seat (46) that incorporates end portion of cross arm. The clamping means having a clamping force (44) for clamping about the pole. The saddle/seat secures the cross arm by mechanical fastening (86). The cross arm has an extension arm (14) extending upwardly from the cross-arm.

Trost et al. teaches the cross arm and extension arm but fails to teach the cross arm, extension arm and seat are formed of metallic and coated with insulatory coating. Sagawa et al. et al. teaches metallic structures (10 and 20, see abstract) coated with insulatory coating by

Art Unit: 3632

polymeric material. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross arm with metallic and coated with plastic insulating material as taught by Sagawa et al. et al. to increase the life cycle for the cross arm than wood material and to reduce electrical shock on the cross arm.

In regards to claim 34, Trost et al. in view of Sagawa et al. teaches the polymeric material but fails to teach the polymeric material is thermoplastic. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al. in view of Sagawa et al.'s polymeric material to thermoplastic to provide designer's preference for the kind of polymeric material to use as coating.

In regards to claim 43, Trost et al. teaches the extension arm but fails to show that the extension arm is hollow. Since the extension arm is mounted on a threaded fastener and that it would have been obvious for one of ordinary skill in the art at the time the invention was made to have extension arm hollow for the fastener to insert therein for convenience of mounting the extension arm on the cross arm.

In regard to claims 57-59, Trost et al. in view of Sagawa et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for elements in method to provide a convenience for setting up the cross arm on the pole.

Art Unit: 3632

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 3,803,570 to Barlow et al.

Trost et al. in view of Sagawa et al. teaches the insulatory coating but fails to teach the coating having dielectric strength of greater than 10KV/mm. Barlow et al. teaches the coating having dielectric (40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added dielectric to Trost et al. in view of Sagawa et al.'s coating as taught by Barlow et al. to reduce electric static on the cross arm.

Trost et al. in view of Sagawa et al. and Barlow et al. teaches the dielectric but fails to teach the dielectric having strength of greater than 10KV/mm. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have increased Trost et al. in view of Sagawa et al. and Barlow et al.'s dielectric strength greater than 10KV/mm to reduce elastic static on the cross arm.

Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of United Kingdom Patent Application 2,384,223 to Lowson.

Trost et al. teaches the cross-arm but fails to teach the cross-arm comprises a hollow steel section. Lowson teaches the cross-arm (2) comprises hollow steel section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross-arm with hollow steel section as taught by Lowson to reduce weight of cross-arm.

Claims 32 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 2004/0035602 to White.

Trost et al. teaches the cross arm but fails to teach the cross arm comprises powder of the polymeric material. White teaches polyurethane powder for housing section (104, section 0025). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added powder of the polymeric material to Trost et al.'s cross arm as taught by White to reduce electric shock on the cross arm.

Claims 33, 35 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 6,146,576 to Blackmore.

Trost et al. in view of Sagawa et al. teaches the coating but fails to teach coating is made of nylon material or epoxy (claim 35). Blackmore teaches the coating (16) made of nylon material. Furthermore, Blackmore teaches epoxy (col. 11, line 32). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al. in view of Sagawa et al.'s coating with nylon material/epoxy as taught by Blackmore to provide designer's choice of material for coating.

Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 6,464,196 to Crookham et al.

Trost et al. teaches the pole (12) but fails to teach the pole is made of steel. Crookham et al. teaches the pole (20) is made of steel. It would have been obvious for one of ordinary skill in

Art Unit: 3632

the art at the time the invention was made to have modified Trost et al.'s pole with steel as taught by Crookham et al. to provide additional strength in the pole to withstand the bad storm.

Response to Arguments

Applicant's arguments filed 8/14/06 have been fully considered but they are not persuasive.

The applicant argues that Sagawa et al. '271 "has nothing to do with utility poles, utility pole cross-arms, or power transmission lines of any kind," and Sagawa et al.'s invention is designed for guard fences. The examiner is aware of that but since Sagawa et al. discloses cross-arm and pole which is similar to Trost et al.'s invention where he teaches cross-arm and pole, Sagawa et al. and Trost et al. teach same field of endeavor for having cross-arm mounted on pole for supporting an object above the ground, i.e. fence, utilities, etc.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3632


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Primary Examiner
Art Unit 3632



10/20/06